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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PAUL V. KELLER, LLC 4585 LIBERTY RD. SOUTH EUCLID, OH 44121			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,908

Applicant(s)

HARRIS, JENNIFER HOPE

Examiner

THUY-VI NGUYEN

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/07/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12, 14-18 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 2, 4-12, 14-18, 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received on 11/07/07, wherein claims 1-2, 4-9, 24-26 have been amended. Claims 3, 13, 19-23 have been cancelled. Claims 27-29 have been added. Claims 1-2, 4-12, 14-18, 24-29 have been examined in this office action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/17/03 is being considered by the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 17-18** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 and 18 recited "A display" which could have been seen as printed ad on paper or printed matter. Printed matter is rejected as not being within the statutory classes even though it is seemingly a "manufacture" (MPEP 706.03(a)).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-2, 4-6, 8-12, 14-18, 24-29** are rejected under 35 U.S.C. 102 (e) as being anticipated by Russell et al. (US Patent Application Publication No. US2002/0178079 A1).

Regarding to claim 1, Russell discloses a method of providing a service comprising:

providing a funeral service that a number of persons attend; (...Visitation, Funeral and/or Memorial Service; see page 14, par.0190-0192),

offering persons selected based on their attendance of that service an election to receive a funeral anniversary reminder (.. tribute cards are available on URL with a message included either type of offering such as Anniversary reminder; see page 17, par. 0221 and page 18, par. 0229);

wherein the reminder is a reminder to contact the bereaved (...allows mourners/bereaved to view the death notice; Mourners can initiate an appropriate

response through one of the many offerings, for example acknowledgements, memorial cards and reminders; see page 9, par. 0110).

Regarding to claim 2, Russell discloses providing the anniversary reminder (e.g. offering anniversary reminder; par. 0229).

Regarding to claims 4 and 11, Russell discloses wherein the reminder includes suggestions for what to write in a note to the bereaved (...sympathy cards for any particular category or religion are suggested; par. 0218-0219).

Regarding to claim 5 and 12, Russell discloses wherein the reminder includes guidelines for whether to contact the bereaved in regard to the anniversary (...information and ideas will help readers become and feel more educated about topics related to the death of a loved one; see page 15, par. 0215-0216).

Regarding to claims 6 and 14, Russell discloses wherein the reminder includes either the date of the funeral or exact date of the anniversary (...a user may be reminded of upcoming events; see page 4, par. 0043-0044).

Regarding to claim 8, Russell discloses wherein the attendees elect to receive the reminder by appropriately marking a funeral register (... Russell provides a virtual funeral service wherein the attendees/users/guests registered to receive funeral information, arrangement, and reminder anniversary; par. 0036-0037, 0218-0219, 0226-0227).

Regarding to claim 9, Russell discloses advertising a funeral business (...death notices placed in newspapers by the site require more advertising space; see page 10, par. 0111-0112) comprising:

obtaining a list of funeral or memorial service attendees (e.g. list of people sending tributes; 100 people attended the wake and /or funeral; see page 9 and 10, par. 0110-0111 and page 12, par. 0150-0153); and

shortly before a funeral anniversary date, providing members of the list with a reminder that the funeral anniversary date is approaching (...a user may be reminded of upcoming events; par. 0043; MyEtribute.com and the inventive can send the death notices in all geographic areas to which deceased had ties; as recites page 10, par. 0111-0112);

wherein the reminder includes the name of a funeral business (...MyEtribute.com; see page 10, par. 0111-0112).

Regarding to claim 10, Russell discloses wherein the reminder is a reminder to contact the bereaved (...contacts may be selected by user, and in particular the coordinating mourner; see page 18, par. 0227-0228).

Regarding to claim 15, Russell discloses wherein the reminder includes a brochure that explains potential benefits of contacting a bereaved regarding the funeral anniversary (...programs may include in a small white card, for example, the obituary, memorial information; see page 17, par. 0221-0222).

Regarding to claim 16, Russell discloses wherein the brochure has a design that lends itself to being handed out or picked up at a funeral or memorial service (...paper sympathy, announcement, acknowledgement or tribute cards or programs; see page 17, par. 0221-0222).

Regarding to claim 17, Russell discloses a display comprising: a funeral register /computer screen (... full tributes may be made by any user and can be done either in paper or electronic form or both; see page 17, par. 0222-0223),

and instructions for how a person filling out the register can elect to receive a funeral anniversary reminder (...a user may elect to receive advance reminders of the birth or other significant date; see page 4, par. 0044-0045).

Regarding to claim 18, Russell discloses wherein the election can be made on the register (...users may elect to have courtesy reminders sent to them alerting them to upcoming expirations; see page 17, par. 0222-0223).

Regarding to claim 24, Russell discloses a method of providing a service comprising:

fulfilling requests to send flowers or plants (...mourners can send sympathy cards and flowers; see page 9, par. 0110-0111); and

selectively offering persons requesting that flowers or plants be sent in connection with a funeral event an election to receive a funeral anniversary reminder (...tribute cards are available on URL with a message included either type of offering such as Anniversary reminder and flower delivery; see page 17, par. 0221 and page 18, par. 0228, 0229);

Regarding to claim 25, Russell discloses further comprising providing the anniversary reminder (e.g. offering Anniversary Reminders; see par. 0029).

Regarding to claim 26, Russell discloses wherein the reminder is to send flowers or plants to a bereaved person for the occasion of the funeral anniversary (...flower delivery is selected for anniversary; see page 18, par. 0228).

Regarding to claims 27-29, Russell discloses reminder is for a one year anniversary (...Anniversary reminder is also considered as a one year anniversary; see par 0029) and also referring to a dictionary "anniversary" is defined as:

anniversary



an·ni·ver·sa·ry [ănnə vûrssəree] (*plural* an·ni·ver·sa·ries)

noun

Definition:

- 1. annual observation of past event:** a date that is observed on an annual basis because it is the same date as an important event in a past year, e.g. the date of somebody's wedding

Claim Rejections - 35 USC § 103

- 7.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US Patent Application Publication 2002/0178079).

Regarding to claim 7, Russell discloses all elements per claimed invention as explained in above. However, it is silent as to the specifics of registering the users/guests at the funeral service.

Russell teaches that the registration is done via a website.

Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have registered the user/guests at the funeral service as a matter of personal choice or personal convenience; for example, via a portable computer.

Response to Arguments

9. Applicant's arguments filed 11/07/07 have been fully considered but they are not persuasive.

Claim Rejections-35 USC 101§ 101

Regarding to claim 17-18 on pages 6 and 7 of the Remarks, the arguments have been fully considered but they are not persuasive. The preamble of claim 17 recites "A display" which could have seen as printed ad on paper or printed matter. There is no "functional relationship to the substrate". The "functional quality" applicant describes won't make the claim statutory.

Claim Rejections

On pages 7 and 8, claim 1 of the Remarks, Applicant broadly states that Russell does not teach or suggest providing a funeral service. The examiner respectfully disagrees. Russell discloses "Internet web site facilitates the announcement and communication needs of the family member who has the primary responsibility for planning the funeral for a beloved deceased individual. These services include the death notice, the obituary, service information, wishes and donation information, distribution, guest book and acknowledgments, also facilitates access to a range of funeral and announcement services that can become an additional source of income for funeral directors. Publicists and newspapers also can find additional outlets for their stories and increased exposure; as recited (page 9, par. 0108). In view of the above, the examiner respectfully asserts that Russell teaches a providing a funeral service.

On page 7, claim 1 of the Remarks, Applicant broadly states that Russell does not teach or suggest wherein the reminder is a reminder to contact the bereaved. The examiner respectfully disagrees. Russell allows mourners to view the death notice or obituary online and respond in a number of ways. Mourners can initiate an appropriate response through one of the many offerings, for example acknowledgements, memorial cards and reminders, as recited on page 9, par. 0110. Therefore, Russell discloses a reminder to contact bereaved/mourners. In addition, Russell teaches the tributes cards with customized offerings mourners include Anniversary Reminders through a specific tribute web site; as recited page 18, par 0229. Therefore, Russell teaches funeral anniversary reminder. In view of the above, the examiner respectfully

asserts that Russell teaches an Anniversary reminder is a reminder to contact bereaved.

On page 8, claim 1 of the Remarks, Applicant broadly states that Russel does not teach or suggest selected based on their attendance. The examiner respectfully disagrees. Russel discloses offering to attend to the guest book at the funeral, as recited page 15, par. 0206-0208. Therefore, Russel discloses offering persons selected based on their attendance.

On page 9, claim 1 of the Remarks, Applicant broadly states that Russell does not teach or suggest publication contacts. The examiner respectfully disagrees. Russel discloses publication contacts include newspapers, and bulletin boards, as recites page 18, par. 0227-0228. Therefore, Russel establishes that the reminder offered an Anniversary reminder is a reminder to contact bereaved.

On page 10, claims 4 and 5 of the Remarks, Applicant broadly states that Russell does not teach or suggest what to write in a note to the bereaved and guidelines for whether to contact the bereaved. The examiner respectfully disagrees. Russel discloses publication contacts include newspapers, sympathy cards, electronic cards may be a simple note or e-mail message or may contain a URL link within message, and is sent to one or more individuals as designated by any mourner/bereave, as recites page 17, par. 0218-0219. Therefore, Russel discloses the inventive website features a wide variety of offerings to those mourning the passing of human loved ones, including sympathy, tribute and guidelines of acknowledgement cards, message and gathering information.

On page 10, claim 8 of the Remarks, Applicant broadly states that Russell does not teach or suggest an appropriate mark in a funeral register. The examiner respectfully disagrees. Russell discloses a virtual funeral with a guestbook is available to visitors. Furthermore, user or mourner may select the publication contact, newspaper contact, flower delivery or sympathy cards as recites page 17, par. 0218; page 18, pars. 0226 and 0227].

On page 11, claim 9 of the Remarks, Applicant broadly states that Russel does not teach or suggest obtaining a list of funeral service attendees and sending funeral anniversary reminders based on the member of the list. The examiner respectfully disagrees. Russel discloses a funeral guest book, MyEtribute.com and the inventive can send the death notices in all geographic areas to which deceased had ties; as recites page 10, par. 0111-0112. Therefore, Russell establishes that the reminder is offering a guest book and Internet websites to reminder to contact bereaved.

On page 11, claims 10-12 and 15 of the Remarks, Applicant broadly states that Russel does not teach or suggest whether to contact the bereaved on a funeral anniversary. The examiner respectfully disagrees. Russel discloses mourners' visits to MyEtribute.com, and a link to the Guest Book, as recited page 18, par. 0227-0228. Therefore, Russel discloses a guest book, and website how to contact the bereaved on Anniversary reminder.

On page 11, claims 17-18 of the Remarks, Applicant broadly states that Russel does not teach or suggest instructions for how a person filling out the register can elect to receive a funeral anniversary reminder. The examiner respectfully disagrees. Russel

discloses full tributes may be made by any user and can be done either in paper or electronic form or both and user may elect to receive advance reminders of the birth or other significant date, as recites page 17, par. 0222-0223 and page 4, par. 0044-0045. Therefore, Russel discloses a guest book, and website how to fill out the funeral register so that bereaves can receive a funeral reminder.

On page 12, claims 24-26 of the Remarks, Applicant broadly states that Russel does not teach or suggest providing persons requesting that flowers or plant be sent in connection with a funeral event. The examiner respectfully disagrees. Russel discloses tribute reminder based on anniversary date, flower delivery may be selected; as recited page 18, par. 0228, 0229. Therefore, Russel discloses the bereaved can also request to delivery flower on the Anniversary reminder event.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy-Vi Nguyen/

Examiner, Art Unit 3629

Art Unit: 3600

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629